

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

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|---|---|---------------------------|
| Adela B. Bickford, |) | |
| |) | |
| Plaintiff, |) | C/A No. 5:05-1457-MBS-JRM |
| |) | |
| vs. |) | |
| |) | |
| Denmark Technical College and Joann |) | OPINION AND ORDER |
| R.G. Boyd-Scotland, in her Official and |) | |
| Individual capacity, |) | |
| |) | |
| Defendants. |) | |
| |) | |

Plaintiff Adela B. Bickford brings this action against her former employer, Denmark Technical College, alleging discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; and the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 630(b). Defendant Joann R. G. Boyd-Scotland is president of Denmark Technical College.

Defendant Boyd-Scotland filed a motion to dismiss on July 6, 2005, asserting that the case should be dismissed as to her on the grounds that there is no individual liability for supervisory employees under title VII or the ADEA, and because Plaintiff did not name Defendant Boyd-Scotland in the administrative charge filed with the EEOC or appropriate state agency. Plaintiff filed no response to the motion. Accordingly, the motion to dismiss is unopposed.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. The Magistrate Judge filed a Report and Recommendation on September 20, 2005 in which he recommended that Defendant's motion to dismiss be granted. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After review of the record, the court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. Defendant's motion to dismiss is **granted**. The within action is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

October 26, 2005

Columbia, South Carolina